

Calendar date of 05/20/10

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER DOCUMENTS
WILL BE REVIEWED PRIOR TO HEARING.**

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE FRANK GAFKOWSKI **PROBATE**

DATE: 05/20/10 TIME: 9:00 DEPT: S37

CASE#: **SPR SS 04863**

CASE NAME: DOLORES HOOVER TRUST

HEARING: FINANCIAL STATEMENTS AND TAX RETURNS WITH Account and
Report of ROBERT BROOD and Petition for allowance of fees filed.

COUNSEL:

DOLORES HOOVER TRUST	(TRUST)...
MELANIE JOYCE	(PET)...FELIX MARTIN (GRESHAM SA
ROBERT BROOD	(TSTEE)...ALBERT CRESSEY (SWAN
JAMES HOOVER	(RESPND) ROBERT SWORTWOOD... JA

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting with Financial Statements and Tax
Returns

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service.
2. Pursuant to court order, respondent Robert Brood submits the following:
 - (a) Hoover Trust accounting covering 1/1/09 – 12/31/09
 - (b) Triple H Partnership balance sheets ending 2008 and 2009
 - (c) Triple H Partnership tax returns for 2008 and 2009
3. **Objections filed by Melonie Joyce alleging the accounting does not comply with the requirements of a probate court accounting.**

RECOMMENDATION:

Need notice and then set for contested hearing.

(gls)

FUTURE HEARINGS

06/24/10 Hearing Re: FURTHER PROCEEDINGS RE JURISDICTION
at 9:00 in Department S37

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PROBATE

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **CON PS0700301**

CASE NAME: CELESTINO MARTINEZ

SEE ALSO 27

HEARING:
Readiness Calendar

COUNSEL:

JOHN A MARTINEZ	(CPE)...E. JOAN NELMS
JAMES E MARTINEZ	(CPE)...E. JOAN NELMS
CELESTINO MARTINEZ	(CEP)...NOREEN FONTAINE
JEANNIE E MARTINEZ	(CPE)...GILBERT M GUTIERREZ

No notes - Readiness

X reference PROPS 0801041
FUTURE HEARINGS
5/25/10 TRIAL

Superior Court of Calif, County of San Bernardino
Page: 2
CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **GAR HS900001**

CASE NAME: IN THE MATTER RE:HALEY MARIE PERROTT

HEARING:

Hearing Re: GUARDIANSHIP

COUNSEL:
PATTI PERROTT (PET)...BYRON D GROVES

GENERAL INFORMATION:

Temporary Letters issued 1/28/09.

Continued from **3/9/09** at request of counsel.

Continued from 4/27/09, 7/20/09, 10/29/09 and 1/21/10 at request of counsel as probate matter still pending (SPRSS07245)

THIS CASE IS SET FOR HEARING ON: Petition for Guardianship, Estate only, by mother, minor 16

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests all funds be placed in a blocked account in lieu of bond. JTD
2. Ward is a beneficiary of 37.5% trust real property.
3. Petitioner requests 2590 powers to purchase real property with prior Court approval and to agree to possible settlements in cases pending in Riverside and San Bernardino Counties. Court may wish to require petitioner to advise court regarding the terms of a proposed sale prior to approval. JTD
4. Father, paternal grandparents and maternal grandparents are deceased.
5. Court to review the Guardianship Questionnaire and Confidential Screening forms (tabbed).
6. Petitioner alleges minor has Chippewa Indian Ancestry, but amount, place, band or other information is unknown. Petitioner has provided authority that parents are not within the meaning of an Indian Custodian under CRC 7.015, Pr.C. 1409 and 25 U.S.C. Sec. 1901. Furthermore, that this guardianship is for the estate only. Thus, ICWA notice does not apply. JTD

RECOMMENDATION:

Court's determination re bond. If approved, set future hearings for proof of deposit into blocked account (suggest 30 days), filing of Inventory & Appraisal on **12/23/10** and for Accounting Review on **7/28/11**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(kra/smj/gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000227**

CASE NAME: SPECIAL NEEDS TRUST OF DAVID HILTE

HEARING:

FIRST Account and Report of INLAND COUNTIES REGIONAL CENTER, INC
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(PET)...BRUNICK MCELHANEY & BECKET
SPECIAL NEEDS TRUST OF DAVID H(TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance
of Fees

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 4/12/07 – 11/30/09
2. Assets on hand: \$21,978.39 (cash)
3. Petitioner requests approval of fees already taken in the amount of \$1,531.25. Billed at \$875/year (paid quarterly at \$218.75) together with a one-time set up fee of \$150. Generally itemized. JTD
4. Petitioner requests authority to take future annual fees to be paid \$875/year plus 2% of the trust assets for any amount in the trust over \$50,000 and up to \$250,000. JTD
5. Attorney requests fees of \$1,368.75. Billed at \$295/hour for attorney time and \$75/hour for paralegal time. Itemized. JTD

RECOMMENDATION:

RFA subject to court's discretion re fees. If approved, set next accounting review for
5/26/11. Accounting to be filed 30 days in advance.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 4

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000277**

CASE NAME: MTR OF THE SPECIAL NEEDS TRUST OF LARRY FORD

HEARING:

Hearing Re: FIRST ACCOUNT AND REPORT OF TRUSTEE PTN FOR APPVL

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(PET)...BRUNICK MCELHANEY & BECKETT
THE SPECIAL NEEDS TRUST OF LAR(TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/8/08 – 12/31/09
2. Assets on hand: \$848,826.50 (cash of \$198,826.50 and the balance in carry value of real property)
3. Petitioner requests approval of fees already taken in the amount of \$3,933.01. Billed at \$875/year (paid quarterly at \$218.75) up to \$50,000 and 2% over \$50,000-\$250,000, together with a one-time set up fee of \$150. Generally itemized. JTD
4. Petitioner requests authority to take future annual fees to be paid \$875/year plus 2% of the trust assets for any amount in the trust over \$50,000 and up to \$250,000. JTD
5. Attorney requests fees of \$1,576.25. Billed at \$295/hour for attorney time and \$75/hour for paralegal time. Itemized. JTD
6. On disbursements, petitioner paid to California Housing Foundation for home repairs and inspections, including mileage totaling \$26,369.37. Question what repairs were done to the home? Also question why an out of area contractor was used? File verified supplement.

RECOMMENDATION:

RFA subject to court's discretion re fees. If approved, set next accounting review for **5/26/11**. Accounting to be filed 30 days in advance.

(gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000291**

CASE NAME: MTR OF ARSTELLA PATTERSON

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

KIMBERLY PATTERSON (PET)...PRO/PER
ARSTELLA PATTERSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. All residual heirs waive bond.
2. A general notice of hearing is filed. However, need to file notice of petition to administer estate and proof of service per Pr.C. § 8100 (Judicial Council form DE-121)
3. Proof of publication is filed, however, the publication is the actual petition for letters of administration rather than the judicial council form notice (DE-121) notice itself as required under Pr.C. §8120. The publication as filed provides all the information except the notice to creditors. Need re-publication.

RECOMMENDATION:

Need to clear notes 2-3. If granted, set hearing on accounting/status review for **7/28/11**.
Accounting to be filed 30 days in advance.
(gls)

Superior Court of Calif, County of San Bernardino

Page: 6

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700435**

CASE NAME: RICHARD ANTHONY DOMINGUEZ

SEE ALSO 7 8

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

NOREEN DOMINGUEZ (PET)...FULLERTON LEMANN SCHAEFER & DO
WILFRID C LEMANN (PET)...FULLERTON LEMANN SCHAEFER & DO
RICHARD ANTHONY DOMINGUEZ (DEC)...
SUSAN M DOMINGUEZ (PET)...HARTNELL, LISTER & MOORE
STATE OF CALIFORNIA FRANCHISE (AGN)...
BRYAN C HARTNELL (TP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Special Letters of Administration issued 8/2/07 to Attorney Lemann with order that stock certificate to be deposited with a registered security broker and not sold, hypothecated or encumbered without further order of the court. Matter re appointment of Noreen Dominguez and Wilfred Lemann was set for trial.

Continued from 9/30/09 and 10/22/09 to be heard with related matters.

THIS CASE IS SET FOR HEARING ON Competing Petition for Letters of Administration with full authority under IAEA, by Susan Dominguez, Guardian Ad Litem

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is nominated by one of decedent's sons.
2. Petitioner requests no bond, but to have the sole assets placed with a registered securities dealer or federally insured financial institution subject to release upon court order.
3. Petitioner requests that if petitioner is not appointed that the court appoint Christopher Carpenter as an independent administrator. Will need consent to act prior to appointment.

RECOMMENDATION:

Court's discretion.

(krs/gls)

FUTURE HEARINGS 5/27/10 RDI; TRIAL; PETITION

Superior Court of Calif, County of San Bernardino

Page: 7

CIVPRO

San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700435**

CASE NAME: RICHARD ANTHONY DOMINGUEZ

SEE ALSO 6 8

HEARING:

Readiness Calendar

COUNSEL:

NOREEN DOMINGUEZ (PET)...FULLERTON LEMANN SCHAEFER & DO

WILFRID C LEMANN (PET)...FULLERTON LEMANN SCHAEFER & DO

RICHARD ANTHONY DOMINGUEZ (DEC)...

SUSAN M DOMINGUEZ (PET)...HARTNELL, LISTER & MOORE

STATE OF CALIFORNIA FRANCHISE (AGN)...

BRYAN C HARTNELL (TP)...HARTNELL LISTER & MOORE

No notes – Readiness

FUTURE HEARINGS

5/27/10 RDI

TRIAL

PETITION

Superior Court of Calif, County of San Bernardino

Page: 8

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700435**

CASE NAME: RICHARD ANTHONY DOMINGUEZ

SEE ALSO 6 7

HEARING:

Readiness Calendar

COUNSEL:

NOREEN DOMINGUEZ (PET)...FULLERTON LEMANN SCHAEFER & DO
WILFRID C LEMANN (PET)...FULLERTON LEMANN SCHAEFER & DO
RICHARD ANTHONY DOMINGUEZ (DEC)...
SUSAN M DOMINGUEZ (PET)...HARTNELL, LISTER & MOORE
STATE OF CALIFORNIA FRANCHISE (AGN)...
BRYAN C HARTNELL (TP)...HARTNELL LISTER & MOORE

No notes - Readiness

FUTURE HEARINGS

5/27/10 RDI

TRIAL

PETITION

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0701167**

CASE NAME: LATOYA BELL

HEARING:

THIRD Account and Report of INLAND COUNTIES REGIONAL CENTER INC
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(PET)...BRUNICK MCELHANEY & BECKET
LATOYA BELL (BEN)...
SPECIAL NEEDS TRUST OF LATOYA (TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance
of Fees

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 11/1/08 – 12/31/09
2. Assets on hand: \$81,274.62 (cash)
3. Petitioner requests approval of fees already taken by Master Trust of California in the amount of \$1,861.11. Billed at \$875/year for the first \$50,000 and 2% of the trust assets for over \$50,000-\$250,000. Generally itemized.
4. Petitioner requests authority to continue taking annual trustee fees in the amount of \$875/year for the first \$50,000 plus 2% of the trust assets between \$50,000-\$250,000. JTD
5. Attorney requests fees of \$980.62. Billed at \$160.05-\$165/hour for attorney time and \$75/hour for paralegal time. Itemized.
6. On disbursements, there is a payment to Patricia Bell – for trip to Arkansas for grandmother's funeral totaling \$2,850.93. Question how this is a special needs expense (discretionary distributions are set forth in Article V.

subsection B, page 2-tabbed)? Will this expense be reimbursed by Patricia Bell? File verified supplement.

7. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes 6-7. If granted, set hearing on next accounting review for **5/26/11**.
Accounting to be filed 30 days in advance.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800003**

CASE NAME: LINDA PARNELL SPECIAL NEEDS TRUST

HEARING:

FIRST AND FINAL Account and Report of EMMETT CONLIN and Petition
for allowance of fees filed.

COUNSEL:

LINDA PARNELL	(PET)...MARK J. A. FLORY
EMMETT CONLIN	(PET)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and Final Account Current

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 9/15/08 – 3/15/10
2. Assets on hand: \$1,038.62 (cash)
3. Pursuant to the Order Establishing the Special Needs Trust, the trust was to be funded with approximately \$65,000 cash from the settlement of a car accident claim. The settlement was paid directly from the personal injury attorneys. Pursuant to report of counsel filed 4/15/09, \$30,000 was paid to beneficiary's mother to repay her for an outstanding note for funds used to finance beneficiary's education. Another \$20,000 was used to purchase a car for the beneficiary. Thus, the trust was funded with \$19,797.88.
4. On the property on hand schedule, there is no vehicle listed as an asset on hand. Question the ownership of the vehicle and whose name title is vested? Also need to list asset on property on hand. File verified supplement with amended accounting.
5. On disbursements, there are the following payments to the beneficiary, Linda Parnell, for "special needs". Need itemization of what was purchased or clarification for the purpose of such expense(s):

- (a) 9/15/08 – \$1,800.00
 - (b) 2/13/09 - \$1,100.00
 - (c) 8/1/09 - \$1,057.09
6. During the accounting period, petitioner/beneficiary purchased a mobile home for the sum of \$9,000.00. No prior authority was granted for such purpose. Additionally, no mobile home is listed as an asset on the property on hand schedule. Question the ownership of the mobile home and whose name title is vested? Also need to list asset on property on hand. File verified supplement with amended accounting.
 7. Petitioner has listed this as a Final Accounting. Question why this is a final accounting? File verified supplement.
 8. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need notice and verified supplement with amended accounting.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800299**

CASE NAME: ROBBIE D. VENABLE

HEARING:

Hearing re Final Discharge

	COUNSEL:
MERLE S. VENABLE	(PET)...TIMOTHY J BERESKY
ROBIE D. VENABLE	(DEC)...
PAUL A LUNDGRIN	(PET)...TIMOTHY J BERESKY

Vacate – Final discharge submitted for signature and on left side of file.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800645**

CASE NAME: DAVID E. TOBIN SPECIAL NEEDS TRUST

HEARING:
Accounting Review

COUNSEL:
INLAND COUNTIES REGIONAL CENTE(PET)...BRUNICK MCELHANEY & BECKET
DAVID E. TOBIN (BEN)...

GENERAL INFORMATION

Continued from 4/8/10 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Second accounting granted on 05/28/09.
2. Need third account for period 01/01/09 – 12/31/09.

RECOMMENDATION

Inquire status.

Cbr/gls

Superior Court of Calif, County of San Bernardino

Page: 13

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800771**

CASE NAME: JUNE LAVONE PERKINSON

HEARING:

Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:

GERALD PERKINSON (PET)...EDWARD G. OPERINI
BRANDIE M RENOVA (PET)...EDWARD G. OPERINI
JUNE LAVONE PERKINSON (DEC)...

Address	2501 74 th Avenue, Oakland, CA 94605
Appraised value	\$75,000 per Reappraisal for Sale
Sale price	\$80,500.00 (cash)
First overbid	\$85,025.00
Deposit	\$10,000.00
Commission	6%, or \$4,830 to Carol Kennedy ReMax in Motion
Additional bond	None-proceeds to be placed in blocked account. Court to set hearing on proof of blocked account.
Reason for sale	to pay expenses of administration
Exposure to market	MLS, sign on property and real estate personal contacts
Notice	Ok

FUTURE HEARINGS

3/29/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0801041**

CASE NAME: CELESTINO MARTINEZ TRUST

HEARING:
Readiness Calendar

	COUNSEL:
JOHN MATINEZ	(PET)...WILLIAM M NASSAR & ASSOCIATES
JAMES MARTINEZ	(PET)...WILLIAM M NASSAR & ASSOCIATES

X REFERENCE CONPS0700301 #1 #27
No notes – Readiness

FUTURE HEARINGS
5/25/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900065**

CASE NAME: EUSTOLIA HERNANDEZ DOMINGUEZ

HEARING:
Accounting Review

COUNSEL:
ERIC DOMINGUEZ (PET)...HOLSTROM, SISSUNG, MARKS& ANDE
EUSTOLIA HERNANDEZ DOMINGUEZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 3/16/09 (full authority, \$243,000 bond)
2. No accounting or status report is filed. Need same.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900069**

CASE NAME: MARILYN JANE BICKEL

HEARING:
Accounting Review

COUNSEL:
JAMES BICKEL (PET)...ALTHOUSE & MCDONOUGH
MARILYN JANE BICKEL (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 5/26/09 (full authority, \$275,000 bond)
2. No accounting/status report is filed. Need same.

RECOMMENDATION:

Find out status.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900335**

CASE NAME: GARY EDWARD TRAYNOR

HEARING:

WAIVER OF FIRST AND FINAL Account and Report of PAUL S TRAYNOR
and Petition for allowance of fees filed.

COUNSEL:

PAUL S TRAYNOR (PET)...EUGENE L SAMSON
GARY EDWARD TRAYNOR (DEC)...
WELLS FARGO CARD SERVICES (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of First and Final Account and Petition for Allowance of Fees and for Final Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner is the sole beneficiary and waives an accounting.
2. Petitioner alleges notice to creditors has been given and all creditors claims rejected. The 90 day-period has elapsed for creditors to file suit.
3. Petitioner and counsel request statutory compensation of \$4,038.87. Ok.
Supp: Petitioner is aware statutory compensation is taxable income but still wishes to receive it.

RECOMMENDATION:

RFA. If approved, set hearing on the filing of receipts and final discharge for **5/26/11**.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS02685**

CASE NAME: CIRIACO DELEON HOLGUIN

HEARING:

FIRST AND FINAL Account and Report of LINDA R LOPEZ, ELIZABETH V
LUJAN and Petition for allowance of fees filed.

COUNSEL:

LINDA R LOPEZ (PET)...MARIA G NICIFOROS
ELIZABETH V LUJAN (PET)...MARIA G NICIFOROS
CIRIACO DELEON HOLGUIN (DEC)...

GENERAL INFORMATION:

**Continued from 9/1/09, 10/29/09, 1/7/10, 3/11/10 and 4/22/10 at request of counsel to
file a supplement. Nothing new filed.**

THIS CASE SET FOR HEARING ON First and Final Account and Petition for Allowance of
Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are requesting statutory compensation of \$11,991.16. Calculated.
2. Attorney is requesting statutory fees of \$11,991.16. Calculated.
3. Attorney is requesting extra-ordinary fees of \$1,500 for 6 hrs at \$250 hr in relation to the sale of 3 aborted sales of the real property and alternate fourth escrow. JTD
4. Co-Petitioner Linda Lopez is requesting \$100 for 4 hrs at \$20 hour in extra-ordinary services rendered on behalf of the estate. Itemized. JTD
5. Disbursements indicate \$32,540 was paid to Lupe Lopez during the accounting period for upkeep and repairs to the real property. Lupe is the spouse of personal representative Linda Lopez. Mr. Lopez alleges he worked 1000.5 hrs at \$30 hr. (\$29,940) and additional yard work of \$2,600, for a four-year period. Itemized. JTD
6. Petitioners indicate that both heirs have died after the decedent. Dominga Cardenas' wills have not been probated and petitioner alleges that there appears to be a contradiction between the two wills. Petitioners request that Dominga's share be placed in an escrow pending a determination by this court as to the validity of

the Wills and Trusts. Additionally, a determination of Dominga's heirs to be established. However, there does not appear to be a probate opened in this court. Question if petitioner is petitioning for appointment as personal representative?

Supp: A competing petition has been filed for the estate of Dominga Cardenas (PRODS1000148). Petitioner requests that the share of Dominga Cardenas be distributed in the attorney-client trust account or an escrow accounting pending determination of Dominga Cardenas' heirs by this court. JTD

7. Petitioners paid a graduated filing fee of \$71.50 which personal representative is now entitled to reimbursement under Burkey v. State of California (2008) 161 Cal. App. 4th 465, but has not requested a refund. Any request for refund must be in writing and accompanied by an order for court's signature.

RECOMMENDATION

RFA subject to court's determination of note 6. If approved, court to set hearing on filing receipts and final discharge for **5/26/11**.

(cbr/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS05995**

CASE NAME: ESTATE OF FELIX P SORIA

HEARING:
Accounting Review

	COUNSEL:
RAMON SORIA	(PET)...RALPH K HEKMAN
FELIX P SORIA	(DEC)...

Vacate – Status Report filed and calendared for 6/22/10.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS06855**

CASE NAME: MTR OF CARLOS R ABOYTES

HEARING: STATUS REPORT

COUNSEL:

VICTOR B ABOYTES (PET)...ELISABETH KEMPE-OLINGER
CARLOS R ABOYTES (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters Testamentary issued 2/17/09 (full authority, no bond)
2. Petitioner alleges the estate is not in a position to close as the real property must first be sold. Petitioner requests an additional year to conclude the estate administration.

RECOMMENDATION:

Court's discretion. If granted, set next accounting/status review for **5/26/11**. Accounting to be filed 30 days in advance.

(gls)

Superior Court of Calif, County of San Bernardino
Page: 19
CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS07030**

CASE NAME: EST OF RACHEL C ROMO

SEE ALSO 20-23

HEARING:

Hearing Re: REPORT OF STATUS OF ADMINISTRATION

COUNSEL:

LOUIS C ROMO	(PET)...WILLIAM M NASSAR & ASSOCIATES
RACHEL C ROMO	(DEC)...
ROSELLA VENEGAS	(PET)...THOMPSON & COLEGATE
YOLANDA ROBLEDO	(PET)...THOMPSON & COLEGATE
THOMPSON & COLEGATE	(TP)...ROBERT B SWORTWOOD

GENERAL INFORMATION:

Continued from **11/15/07, 1/10/08 and 2/11/08** at request of counsel for discovery

Notice of Ruling entered 2/20/08 concerning the hearings re Petition for damages, Report of status, Petition to establish claim, and Petition to continue operation of business. Counsel advised the Court that Ms. Venegas and Ms. Robledo agreed to withdraw the Petition to continue operation of business and to sell the restaurant properties with proceeds placed in blocked accounts until final conclusion of all matters. Counsel also advises the Court that all parties anticipated conducting discovery on the competing petitions re elder abuse.

Continued from 8/11/08, 4/13/09, 7/20/09, 10/29/09, 1/28/10 and 3/18/10. Court is advised settlement has been reached and the first and final account is also filed. The Confidential Settlement and Release Agreement was filed on 10/30/09.

****Court may wish to vacate this matter.**

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS07030**

CASE NAME: EST OF RACHEL C ROMO

SEE ALSO 19-23

HEARING:

Petition for ESTABLISH ESTATES CLAIM OF OWNERSHIP OF PROP
01/10/08

COUNSEL:

LOUIS C ROMO	(PET)...	WILLIAM M NASSAR & ASSOCIATES
RACHEL C ROMO	(DEC)...	
ROSELLA VENEGAS	(PET)...	THOMPSON & COLEGATE
YOLANDA ROBLEDO	(PET)...	THOMPSON & COLEGATE
THOMPSON & COLEGATE	(TP)...	ROBERT B SWORTWOOD

GENERAL INFORMATION:

Continued from **1/10/08, 2/11/08, 8/11/08, 11/17/08, 7/20/09, 10/29/09, 1/28/10 and 3/18/10. Court is advised settlement has been reached.**

THIS CASE IS SET FOR HEARING ON Petition to Establish Estate's Claim of Ownership of Property (Pr.C. §850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners, Rosella Venegas and Yolanda Robledo, are the children and are intestate heirs of decedent. Petitioners allege that Louie Romo (son of decedent) was added as a joint tenant or tenant-in-common to the deeds of nearly all the real properties in the decedent's estate by undue influence on or about 2/17/04.
2. Need to file notice of hearing and proof of service, including personal service upon Louie Romo per Pr.C. §851. Proof of mail service filed. However, personal service is required upon Louie Romo. Need proper notice.
3. Objection filed by Louie Romo.
4. **The Confidential Settlement and Release Agreement was filed with the court on 10/30/09.**

RECOMMENDATION:
Court's discretion.
(gls/kra/fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS07030**

CASE NAME: EST OF RACHEL C ROMO

SEE ALSO 19-23

HEARING:

Petition for AUTHORITY TO CONTINUE OPERATION OF BUSINESS 01/10/08

COUNSEL:

LOUIS C ROMO	(PET)...	WILLIAM M NASSAR & ASSOCIATES
RACHEL C ROMO	(DEC)...	
ROSELLA VENEGAS	(PET)...	THOMPSON & COLEGATE
YOLANDA ROBLEDO	(PET)...	THOMPSON & COLEGATE
THOMPSON & COLEGATE	(TP)...	ROBERT B SWORTWOOD

GENERAL INFORMATION:

Continued from 1/10/08, 2/11/08, 8/11/08, 11/17/08, 4/13/09, 7/20/09, 10/29/09, 1/28/10 and 3/18/10. Court is advised a settlement has been reached.

THIS CASE IS SET FOR HEARING ON Petition for Authority to Continue Operation of Decedent's Restaurant Business per Pr.C. § 9760

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners, Rosella Venegas and Yolanda Robledo, request authority to continue the operation of decedent's business known as Dell's Drive In. Petitioners allege that until 3/16/07, the business was thriving and a profitable asset of the estate. Although the restaurant has been closed for approximately six months, with little effort it could be reopened to again become a thriving asset of the estate. Petitioners allege that it is in the best interest of decedent's estate to continue the operation of the business. Moreover, petitioners are familiar with the business operations and are competent to provide the required continuing management. Also, petitioners request that the business compensation petitioners \$500/week to manage the business. The business has no known creditors. Question if the proposed salary is \$500 to *each* petitioner or collectively? Also question the cost involve to reopen the business (i.e., does the benefit of reopening the restaurant outweigh the costs)? File verified supplement.
2. Need to file notice of hearing and proof of service.
3. Objection to petition to continue operation is filed by Louie Romo.

4. The Confidential Settlement and Release Agreement was filed with this court on 10/30/09.
5. **At hearing held 2/11/08, Counsel advised the Court that Ms. Venegas and Ms. Robledo agreed to withdraw the Petition to continue operation of business and to sell the restaurant properties with proceeds placed in blocked accounts until final conclusion of all matters. Court directed counsel to file petition to withdraw. Opposing counsel filed a Notice of Ruling on 2/20/08 indicating that Ms. Venegas and Ms. Robledo had agreed to withdraw their Petition for Authority to Continue Operation of Business. No objection to the Notice of Ruling has been filed on behalf of Ms. Venegas or Ms. Robledo. Does Court wish to require filing of Withdrawal of Petition by Ms. Venegas and Ms. Robledo? JTD**

RECOMMENDATION:

Court's discretion.

(gls/kra/fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS07030**

CASE NAME: EST OF RACHEL C ROMO

SEE ALSO 19-23

HEARING:

Petition for DAMAGES RE FINANCIAL ELDER ABUSE; CONVERSION; FRAUD

COUNSEL:

LOUIS C ROMO	(PET)...	WILLIAM M NASSAR & ASSOCIATES
RACHEL C ROMO	(DEC)...	
ROSELLA VENEGAS	(PET)...	THOMPSON & COLEGATE
YOLANDA ROBLEDO	(PET)...	THOMPSON & COLEGATE
THOMPSON & COLEGATE	(TP)...	ROBERT B SWORTWOOD

GENERAL INFORMATION:

Continued from **2/11/08** at request of counsel for discovery.

Continued from **8/11/08** and **11/17/08** at request of counsel.

Continued from 4/13/09, 7/20/09, 10/29/09, 1/28/10 and 3/18/10. Court is advised settlement is reached.

THIS CASE IS SET FOR HEARING ON Petition for damages for financial abuse, conversion, and fraud (Pr.C. §850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Louie Romo, administrator of the estate, alleges that decedent prior to death in 2/2004 deeded two properties to Rosella Venegas and the remainder of her properties to petitioner; and that decedent's daughters Rosella and Yolanda, misused the resources of decedent's restaurant causing the business to suffer. Petitioner alleges that Rosella and Yolanda through undue influence, fraud and conversion control decedent's ability to manage and operate the restaurant. Petitioner also claims elder abuse against decedent as decedent was 65 or older at the time of these allegations.

2. Petitioner requests judgment for compensatory damages, damages for emotional distress, exemplary damages and attorney fees incurred in this action.
3. **Objection and Response by Rosella Venegas and Yolanda Robledo filed 2/11/08.**
4. **Confidential Settlement and Release Agreement filed 10/30/09.**

RECOMMENDATION:

Court's discretion.

(kra/fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS07030**

CASE NAME: EST OF RACHEL C ROMO

SEE ALSO 19-22

HEARING:

FIRST AND FINAL Account and Report of LOUIS C ROMO and Petition
for allowance of fees filed.

COUNSEL:

LOUIS C ROMO	(PET)...	WILLIAM M NASSAR & ASSOCIATES
RACHEL C ROMO	(DEC)...	
ROSELLA VENEGAS	(PET)...	THOMPSON & COLEGATE
YOLANDA ROBLEDO	(PET)...	THOMPSON & COLEGATE
THOMPSON & COLEGATE	(TP)...	ROBERT B SWORTWOOD

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and Final Report and Waiver of Account and
Petition for Final Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, the sole remaining heir, waives an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$15,588.10. Included in the computation of statutory fees are receipts (principal and non-principal). Need to include itemization of receipts per CRC 7.550(b)(6). File verified supplement.
4. Attorney requests extraordinary fees of \$13,406.00 for services rendered in connection with the real properties and litigation, decedent's business operation and property sales. Billed at \$235-\$285/hour for attorney time and \$105/hour for paralegal time. Itemized. Need qualifications of paralegals per CRC 7.703(e)
5. Petitioner alleges per the settlement agreement, all beneficiaries agree to accept payment in the amount of \$292,500 collectively, except petitioner Louie Romo, paid by promissory note secured by deeds of trust in exchange for the settlement sums. Petitioner executed the promissory notes and

deeds of trusts on or about 1/22/10. Said promissory notes and deeds of trust were sent to Attorney Killingbeck.

6. **The Confidential Settlement and Release Agreement was filed 10/30/09. Subsequent objections filed 5/13/10 by Rosella Venegas as the intestate share of Louie Romo has not yet been paid. Thus, objector contents that the administrator has not yet performed under the terms of the settlement agreement.**

RECOMMENDATION:

Need to clear notes 3-4 and set for contested hearing.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 24

CIVPRO

San Bernardino District - Civil

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000051**

CASE NAME: MARIA ISABEL SOLORIO

HEARING:

Petition for Appointment of Conservator

COUNSEL:

EVANGELINA DIAZ (CP)...PRO/PER

MARIA ISABEL SOLORIO (CTP)...E. JOAN NELMS

GENERAL INFORMATION

Continued from 4/8/10. Attorney E. Joan Nelms appointed for proposed conservatee.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservator, person only, by sister

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests medical powers. Medical Capacity Declaration filed supporting request.
2. Petitioner alleges proposed conservatee is developmentally disabled. Court appointed Attorney Nelms for proposed conservatee. Need report of counsel.
3. Need to file notice of hearing and proof of service.
4. Petitioner alleges proposed conservatee will attend the hearing.
5. Citation was personally served on 3/22/10.
6. Court Investigator's report is filed.
7. Need Inland Regional Center's report.
8. Need to file proof of completion of Conservatorship Training Class.

RECOMMENDATION:

Need to clear notes and need report of counsel. If approved, set hearing on care plan and order appointing Conservator in accord with Pr.C. §§ 1850, 2352 for **12/23/10**.

(gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000089**

CASE NAME: MTR OF ANGEL ARAMBULA

VACATED

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JOSE ANGEL ARAMBULA (CP)...PRO/PER

FELICITAS ARAMBULA (CP)...PRO/PER

ANGEL ARAMBULA (CTP)...BRYAN C HARTNELL

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000093**

CASE NAME: TANIA ALEJANDRA TITUS

HEARING:
Petition for Appointment of Conservator

COUNSEL:
JENNIE TITUS (CP)...PRO/PER
DANIEL P TITUS (CP)...PRO/PER
TANIA ALEJANDRA TITUS (CTP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservator,
person only, by mother

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests medical powers. Medical Capacity Declaration is filed supporting request.
2. Petitioner alleges proposed conservatee is developmentally disabled. Court has discretion to appoint counsel.
3. Court Investigator's report is filed.
4. Need IRC report.
5. Citation was personally served on 4/19/10.
6. Need proof of completion of conservatorship training class.

RECOMMENDATION:
Need to clear notes.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **CON PS0700301**

CASE NAME: CELESTINO MARTINEZ

SEE ALSO 1

HEARING:

Petition for APPOINTMENT OF CONSERVATR OF THE PERSON AND ESTATE

COUNSEL:

JOHN A MARTINEZ	(CPE)...E. JOAN NELMS
JAMES E MARTINEZ	(CPE)...E. JOAN NELMS
CELESTINO MARTINEZ	(CEP)...NOREEN FONTAINE
JEANNIE E MARTINEZ	(CPE)...GILBERT M GUTIERREZ

X REFERENCE PRO0801041 #14

GENERAL INFORMATION

Continued several times from **1/30/08** and last from **4/20/09**.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship, person and estate,
by sons John and James Martinez – Petition #1

Competing petition for conservatorship, person and estate, by daughter Jeannie Martinez
– Petition #2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition #1 (sons):

1. Petitioner requests \$13,800 bond based upon estate value and annual income of same. As of 1/1/08, bond must be increased to include a reasonable amount for the cost of recovery to collect on the bond. For estates less than \$500,000 a 10% increase has been determined to be the reasonable amount of increase. Pr.C. 2320(c)(4), CRC Rule 7.207. In any event, minimum bond premium buys \$20,000 bond. Suggest \$20,000 bond.

2. Petitioner requests medical powers. Need medical capacity declaration supporting.
3. Petitioner requests dementia powers. Need dementia capacity declaration supporting.
4. CI report filed.
5. Report of appointed counsel filed.
6. Need attendance of proposed conservatee or return of citation and basis for non-appearance of proposed conservatee. **Proof of personal service filed. However, it is not a return of citation. Also, there were issues re service of proposed conservatee (he was not personally served – see tab in file). Suggest court require attendance or personal service and return of citation. Appears from CI report that conservatee could attend. (Return of citation ordered filed during 3/26/08 hearing.)**

Petition #2 (daughter)

1. Petitioner requests bond be fixed at \$10,000. Minimum bond premium can purchase \$20,000 bond. JTD
2. Petitioner requests medical and dementia powers. Need to file medical capacity declaration.
3. Need Court Investigator's Supplemental Report as competing petition is filed.
4. Need supplemental Report of appointed counsel as competing petition is filed.
5. Need proof of completion of conservatorship training class.

RECOMMENDATION

Need to clear notes and set for contested hearing.
(abs/vet/NMT/kra/gls)

FUTURE HEARINGS

5/25/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800177

CASE NAME: MTR OF HELEN LAMPMAN

HEARING:
Accounting Review

COUNSEL:
DIANA JEAN ALDAMA-SALINAS (CPE)...CARROLL M LAWSON
HELEN LAMPMAN (CEP)...

GENERAL INFORMATION

Continued from 3/16/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservator of the person and estate appointed 11-25-08, \$192,500 bond.
2. Conservatee died on 04-25-09 per Notice of No Report by Court Investigator. The final accounting shall be filed within 120 days after conservatee's death unless good cause for the delay is shown per Local Rule 20-410(b).
3. No inventory filed. Need final I & A.
4. No accounting filed. As the conservatee has died, a post-death accounting must also be included per Pr.C. §2620(b). Accounting to include post-death accounting (04-25-09 to current date).

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.
(vet/gls)

Superior Court of Calif, County of San Bernardino
Page: 29
CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **CON PS0900053**

CASE NAME: MTR OF JORGE CAMPOS PEREZ

SEE ALSO 30

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MARIA ESTELA PEDROZA

COUNSEL:

MARIA ESTELA PEDROZA (CPE)...HARTNELL, LISTER & MOORE
JORGE CAMPOS PEREZ (CEP)...WALTER T MOORE
LETICIA PEREZ (OBJ)...WILLIAMS BECK & FORBES

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Proof of service of Conservatee's rights filed. However, section 5 was not completed. Need proof of service of a copy of the Order for Conservatorship per Pr.C.§1830(c).
2. Care Plan filed.
3. Need final Inventory & Appraisal per Pr.C.§2610.
4. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
5. If the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.
6. Court Investigator 6 month report filed.

RECOMMENDATION

Inquire status.

(kra/abs/gls)

Superior Court of Calif, County of San Bernardino
Page: 30
CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **CON PS0900053**

CASE NAME: MTR OF JORGE CAMPOS PEREZ

SEE ALSO 29

HEARING:

Accounting Review

COUNSEL:

MARIA ESTELA PEDROZA (CPE)...HARTNELL, LISTER & MOORE
JORGE CAMPOS PEREZ (CEP)...WALTER T MOORE
LETICIA PEREZ (OBJ)...WILLIAMS BECK & FORBES

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Conservatorship (person and estate) issued 7/8/09 – no bond
2. First accounting is due for the period 7/8/09 – 7/8/10. As accounting period does not end until 7/8/10, this review hearing is premature. Court may wish to continue matter 90 days.

RECOMMENDATION:

Continue matter to 7/29/10 to file first account current for the period 7/8/09-7/8/10.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 31

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01523

CASE NAME: MTR OF MARIA FELIX RODRIGUEZ ET AL

SEE ALSO 32

HEARING:

Petition for ATTORNEYS' FEES

COUNSEL:

ANGELES GONZALES	(CP)...E JOAN NELMS
IMELDA GONZALEZ	(CP)...PRO/PER
JOSEFINA RUVALCABA	(CP)...PRO/PER
MARIA FELIX RODRIGUEZ	(CTP)...SHERRI L KASTILAHN
ARISTEO E. GONZALEZ	(CTP)...JUAREZ AND VEGA ATTORNEYS AT L
PASCUAL GONZALEZ	(OBJ)...HOWARD J MCCLURE & ASSOC
MARGARITA GONZALEZ	(DENNIS JOHN SANCHEZ)...DENNIS JO
JESUS RODRIGUEZ	()...
PABLO RODRIGUEZ	(PRO/PER)...PRO/PER
JOSE LUIS GONZALEZ	(PRO/PER)...PRO/PER
MARIA RODRIGUEZ	(PRO/PER)...PRO/PER
LIDIA GONZALEZ	(PRO/PER)...PRO/PER
DOMINGA RODRIGUEZ	(PRO/PER)...PRO/PER
VIDAL GONZALEZ	(PRO/PER)...PRO/PER

GENERAL INFORMATION

Counsel indicates conservatee passed away although date of death not indicated.

Continued from 3/3/10 and 4/14/10.

THIS CASE SET FOR HEARING ON

Petition for Attorney's Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Petitioner is former attorney for Conservator Angeles Rodriguez. Fee request covers period 02/15/05 – 09/01/06. It appears there is a considerable delay in requesting fees, but it also appears there have been no conservatorship assets to date.
2. Petitioner is requesting fees of \$9,527.00 for 36.8 hours of attorney and paralegal time at \$275/325 per hour and \$75/125 per hour respectively. Itemized. However, it appears there are no assets in the estate. Court may wish to inquire how petitioner is to be paid or whether attorney is validating her claim in the event other assets are subsequently located. JTD

3. Petitioner is also requesting reimbursement of costs totaling \$355. Itemized.

RECOMMENDATION

Court's discretion.

(cbr/smj/gls)

Superior Court of Calif, County of San Bernardino

Page: 32

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS01523

CASE NAME: MTR OF MARIA FELIX RODRIGUEZ ET AL

SEE ALSO 31

HEARING:

PETN FOR SETTLEMENT & WAIVER OF Account and Report of ANGELES GONZALES and Petition for allowance of fees filed.

COUNSEL:

ANGELES GONZALES	(CP)...E JOAN NELMS
IMELDA GONZALEZ	(CP)...PRO/PER
JOSEFINA RUVALCABA	(CP)...PRO/PER
MARIA FELIX RODRIGUEZ	(CTP)...SHERRI L KASTILAHN
ARISTEO E. GONZALEZ	(CTP)...JUAREZ AND VEGA ATTORNEYS AT L
ANGELES GONZALEZ	(PET)...HARTNELL, LISTER & MOORE
PASCUAL GONZALEZ	(OBJ)...HOWARD J MCCLURE & ASSOC
MARGARITA GONZALEZ	(DENNIS JOHN SANCHEZ)...DENNIS JO
JESUS RODRIGUEZ	()...
PABLO RODRIGUEZ	(PRO/PER)...PRO/PER
JOSE LUIS GONZALEZ	(PRO/PER)...PRO/PER
MARIA RODRIGUEZ	(PRO/PER)...PRO/PER
LIDIA GONZALEZ	(PRO/PER)...PRO/PER
DOMINGA RODRIGUEZ	(PRO/PER)...PRO/PER
VIDAL GONZALEZ	(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Report of Conservator on Waiver of Account

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Report covers period: 2/14/05 – 2/13/06
2. Petitioner alleges the conservatorship estate qualifies for a waiver of accounting per Pr.C. §2628.
3. Petitioner waives compensation for services during this accounting period.
4. Attorney request fees of \$7,106.00. Billed at \$250-\$275/hour for attorney time and \$45-\$95/hour for paralegal time. Itemized. Need qualifications of paralegals per CRC 7.703(e) and 7.754. Also, as there are minimal assets

in the conservatorship estate, how will counsel be paid? File verified supplement.

5. The report is not signed by counsel nor verified by conservator. Need properly executed report.
6. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes 4-6. If granted, set hearing on next accounting review for **5/26/11**.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS01543**

CASE NAME: MTR RE: LUZ ANGELINA CHACON

HEARING:
Accounting Review

COUNSEL:
RAOUL CHACON (CPE)...ELISABETH KEMPE-OLINGER
LUZ ANGELINA CHACON (CEP)...DONNASUE SMITH-ORTIZ
LINDA MAXWELL (CTE)...ELISABETH KEMPE-OLINGER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Seventh Account Current is due for the period: 2/1/09 – 1/31/10. No accounting is filed. Need same.

RECOMMENDATION:

Find out status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS02259**

CASE NAME: MATTER OF THELMA H. TOMPKINS

HEARING:
Hearing Re: Confirmation of Successor Trustee

COUNSEL:
AMELIA SEWELL (CPE)...HARTNELL LISTER & MOORE
THELMA H TOMPKINS (CEP)...DUANE P BOOTH
STANLEY SEWELL (PET)...HARTNELL LISTER & MOORE
THELMA H. TOMPKINS REVOCABLE T(TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Confirmation of Successor Trustee

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At ex parte hearing on 4/1/10, the court appointed Stanley Sewell as successor trustee of the Thelma H. Tompkins Revocable Living Trust and the court set this review date. No bond was required.
2. Need to file receipt by successor trustee for assets of Trust.

RECOMMENDATION:

Find out status.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 35

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/20/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS02823**

CASE NAME: MTTR OF MICHAEL JOSEPH DAVIS

HEARING:

Hearing Re: Accounting Review/Bench Warrant as to Mary Davis

COUNSEL:

MARY LOUISE DAVIS (CPE)...PRO/PER

MICHAEL JOSEPH DAVIS (CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION

Continued from **06-08-09** at request of counsel.

Continued from **08-05-09**. Counsel states that \$3,500 was received from sale of guns and gun safes, to be paid to Reche Canyon.

Continued from **11/4/09**. Atty Diaz stated she has no contact with Mary Davis. Atty Carroll stated that Reche Canyon has not received payment as promised. Citation issued to Mary Davis, required to appear at next hearing.

Continued from 2/10/10 and 4/7/10. Bench warrant issued but held on basis of possibility that weather prevented Mary Davis from appearing. Court ruled that if she is not present at next hearing, bench warrant will issue. Court also ordered that Mary Davis repay \$1,300 as previously promised. Matter also continued to allow Davis to be present to resolve gun issues. Notice given by atty Diaz.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 1/29/09 Court approved the 1st account as current and requires a final accounting when the gun safes are sold and Reche Canyon is paid in full.
2. No accounting filed. Need **final** accounting.
3. Need return of citation of Mary Davis. Also need notice of newest hearing by atty Diaz as required on 2/10/10.
4. Report of atty Diaz filed on 2/10/10.
5. Need proof of receipt of \$1,300.00.

RECOMMENDATION:

Court's discretion.

(kra/vet/abs/kra/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700530**

CASE NAME: MTR OF DONALD JOHANSEN

HEARING:

SECOND AND FINAL Account and Report of INLAND COUNTIES REGIONAL
CENTER and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE (PET)...BRUNICK MCELHANEY & BECKET
DONALD JOHANSEN (BEN)...

GENERAL INFORMATION

Continued from 3/4/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Second and Final Account and Petition for
Allowance of Fees

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 7/1/08 – 10/31/09
1. Assets on hand: \$62,916.01 (cash)
2. Petitioner requests that the special needs trust be removed from the continuing jurisdiction of the court that the cost of administration of the trust can be reduced. Question the authority for which a special needs trust can be removed from continuing jurisdiction? File verified supplement.

Supp: The Trust is a testamentary trust and does not provide for continuing jurisdiction, it does not come within the requirements of Pr.C. §17300 or §§17350-17354, and removal of the trust from the continuing jurisdiction of the court is in the best interest of the trust and the beneficiary as it will reduce the costs of administration of the trust.

It appears that assets are now held in Inland Counties Master Trust and that Master Trust Agreement, copy of which was attached to petition filed 8/17/07 (tabbed), is now the controlling document. Question which provision in the Master Trust Agreement petitioner

**relies upon to remove special needs trust from continuing jurisdiction?
File verified supplement.**

3. Petitioner requests approval of fees already taken by Master Trust in the amount of \$1,269.69. Billed at \$875 for the first \$50,000 and 2% for the next \$250,000. JTD
4. Petitioner requests authority to continue taking its annual fees in accordance with its fee schedule (i.e., \$875 for the first \$50,000 and 2% for the next \$250,000). JTD
5. Attorney requests fees of \$1,046.26. Billed at \$160-\$165/hour for attorney time and \$75/hour for paralegal time. Itemized. JTD

RECOMMENDATION:

Need verified supplement and then Court's discretion. If jurisdiction is retained, set next accounting review for **1/13/11**.

(gls/fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700606**

CASE NAME: MTR OF TRANQUILINA EDJEC CINCO

SEE ALSO 3

HEARING:
FINAL DISTRIBUTION & WAIVER OF Account and Report of TALITHA
CINCO and Petition for allowance of fees filed.

	COUNSEL:
TALITHA CINCO	(PET)...MICHEAL G NUTTER
TRANQUILINA EDJEC CINCO	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Report and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. All heirs waive accounting.
2. Petitioner states that residence was lost to foreclosure but that amount received at sale was more than what was owed and estate received \$3,942.81 from lender.
3. Petitioner states that Honda automobile was given away to the benefit of the estate as cost of repairs to get automobile in salable condition was more than the value of the vehicle.
4. Petitioner sold items of personal property at a garage sale for a loss to the estate in the amount of \$432.50.
5. Petitioner requests authority to withhold \$250 from distribution for closing costs. JTD.
6. Petitioner waives statutory compensation.
7. Attorney requests statutory fee in amount of \$1,093.75. Unable to calculate statutory fee as it is unknown what amount was owed on real property at time of foreclosure sale. Statutory fees are based upon value of property, less amount

- of equity which was lost through foreclosure (Estate of Stein (1968) 267 Cal.App.2nd 631). Need verified supplement with recalculation if applicable.
8. Need notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **5/26/11**.

(fh)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700608**

CASE NAME: MTR OF DOMINGO TAMPUS CINCO JR

SEE ALSO 2

HEARING:
FINAL DISTRIBUTION & WAIVER OF Account and Report of TALITHA
CINCO and Petition for allowance of fees filed.

TALITHA CINCO	COUNSEL:
DOMINGO TAMPUS CINCO JR	(PET)...MICHEAL G NUTTER
	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Report and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. All heirs waive accounting.
2. Petitioner states that residence was lost to foreclosure but that amount received at sale was more than what was owed and estate received \$3,942.81 from lender.
3. Petitioner states that Honda automobile was given away to the benefit of the estate as cost of repairs to get automobile in salable condition was more than the value of the vehicle.
4. Petitioner sold items of personal property at a garage sale for a loss to the estate in the amount of \$432.50.
5. Petitioner requests authority to withhold \$250 from distribution for closing costs. JTD.
6. Petitioner waives statutory compensation.
7. Attorney requests statutory fee in amount of \$1,093.75. Unable to calculate statutory fee as it is unknown what amount was owed on real property at time of foreclosure sale. Statutory fees are based upon value of property, less amount

- of equity which was lost through foreclosure (Estate of Stein (1968) 267 Cal.App.2nd 631). Need verified supplement with recalculation if applicable.
8. Need notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **5/26/11**.

(fh)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700694**

CASE NAME: ARDESTER SCOTT GARDNER

SEE ALSO 5

HEARING:
Hearing Re: OSC RE: ACCOUNTING

	COUNSEL:
RANDY H SCOTT	(PET)...STANLEY Z WHITE & ASSOCIATES
ARDESTER SCOTT GARDNER	(DEC)...
METROPOLITAN NEWS COMPANY	(TP)...
KATHY A BARTLOW	()...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700694**

CASE NAME: ARDESTER SCOTT GARDNER

SEE ALSO 4

HEARING:

FIRST AND FINAL Account and Report of RANDY H SCOTT and Petition
for allowance of fees filed.

COUNSEL:

RANDY H SCOTT	(PET)...	STANLEY Z WHITE & ASSOCIATES
ARDESTER SCOTT GARDNER	(DEC)...	
METROPOLITAN NEWS COMPANY	(TP)...	
KATHY A BARTLOW	()...

GENERAL INFORMATION

Continued from 4/8/10 for supplement to be filed re fees.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Statutory compensation calculates to \$2,200.00. Ok.
2. Attorney requests extraordinary fees of \$7,500.00 for services rendered in connection with the sale of the real property (the sole asset of the estate). Billed at \$250/hour for 30 hours. Itemized. The court will generally not consider awarding extra-ordinary fees until counsel establishes that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 Cal. App. 2d 792). File verified supplement. **On 4/8/10, Court finds supplement needed explaining why so much attorney time required for sale of property.** Counsel alleges that the extraordinary fees requested are not only for the sale of real property, but also for extra time in drafting status reports and ex parte petitions. Additionally, the real property was in poor condition, with code violations, and resulted in poor conditions for sale which incurred more time in meeting and conferring with the broker and client to

attempt to stimulate the sale. Furthermore, the estate has over 30 heirs which caused in increase in attorney time, including some of whom were residing in the estate real property and efforts had to be made to vacate these heirs. This time was unusual and billed in extraordinary fees.

2. Attorney requests reimbursement of costs of \$110.00. Itemized.
3. Petitioner requests reimbursement in the amount of \$6,059.00 which includes \$4,224.35 for property clean-up. **On 4/8/10, Court finds supplement needed relating to the property clean-up fee.** Supp: With disrepair and code violations, necessary repairs and clean up were required. Additionally, no objections to the requested fees have been made. Petitioner believes it is fair to approved the requested fees/costs.

RECOMMENDATION:

Need to clear notes. If approved, set hearing on the filing of receipts and final discharge for **4/14/11**.

(gls/fhl)

Superior Court of Calif, County of San Bernardino

Page: 6

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700870**

CASE NAME: JUANITA MARIE BUELL

HEARING:

Hearing Re: OSC RE: FAILURE TO APPEAR/FAILURE TO FILE

COUNSEL:

SHEILA BUELL	(PET)...PRO/PER
JUANITA MARIE BUELL	(DEC)...
TOYOTA MOTOR CREDIT CORP	(TP)...WELTMAN, WEI NBERG & REIS

GENERAL INFORMATION

On **11/16/09** court set OSC hearing as there was no appearance or final discharge/receipts filed. Notice given by courtroom clerk. Nothing new filed.

Continued from 12/28/09, 3/11/10 and 4/15/10 for non appearance. Notice given by courtroom clerk.

THIS CASE SET FOR HEARING ON OSC re Failure to Appear and File Final Discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Order settling Final Account, allowing Fees and for Final Distribution issued on 11/19/08.
2. Receipts have been filed, with the exception of the following creditors:

Toyota Motor Credit	\$1,195.35
Alliance Data	54.80
Alliance Data	84.86
World Financial network National Bank Woman Within	36.95
GE Money Bank/Walmart	83.80
GE Money Bank/Sam's Club	368.91

Need receipts or copies of cancelled checks showing amounts paid to creditors.
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Court's discretion re OSC. No bond company to notice.
(cbr/smj/fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0701146**

CASE NAME: MTR OF ELVIRA HAYES

HEARING:
Accounting Review

	COUNSEL:
ROBERT A FLORES	(PET)...SKVARNA LAW FIRM
ELVIRA HAYES	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Letters Testamentary issued 1/30/08 (full authority, no bond).
2. Status report approved 12/3/09. Court directed counsel to prepare order. Need same.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(fh)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0801040**

CASE NAME: MTR OF FLORA G ESTRADA

HEARING:
Accounting Review

MARINA MARQUEZ	COUNSEL:
FORA G ESTRADA	(PET)...FRANK J PRAINITO
	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Letters of administration issued 1/30/08 (full authority, no bond).
2. Status report approved 12/3/09. Court directed counsel to prepare order. Need same.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(fh)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0801104**

CASE NAME: MTR OF BETTY LOTSPEICH

HEARING:
Accounting Review

	COUNSEL:	
CARRIE L LEWIS	(PET)...	FULLERTON LEMANN SCHAEFFER & D
BETTY LOTSPEICH	(DEC)...	
TIMOTHY C LOTSPEICH	(SHARON D FITCH)...SHARON D
JEFFREY J LOTSPEICH	(SHARON D FITCH)...SHARON D

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Letters of administration issued 3/12/09 (full authority, \$260,000 bond).
2. Inventory & appraisal Partial #1 filed 9/30/09. Need final inventory.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Need final Inventory & Appraisal. Inquire status.
(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900068**

CASE NAME: ANGELA PANCUCCI

HEARING:
Accounting Review

	COUNSEL:
GERALDINE BRODOWSKI	(PET)...PRO/PER
ANGELA PANCUCCI	(DEC)...
DEPT. OF HEALTH CARE SERVICES	(TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Letters of administration issued 5/22/09 (full authority, no bond).
2. No final Inventory & appraisal filed. Need same.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Need final Inventory & Appraisal. Inquire status.
(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900664**

CASE NAME: SARAH J. MACKEY

HEARING:

FIRST AND FINAL Account and Report of SANDRA MARGARET OKON and
Petition for allowance of fees filed.

COUNSEL:

SANDRA MARGARET OKON (PET)...THE TERESA RHYNE LAW GROUP, AP
SARAH J MACKEY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Report and
Petition for allowance of fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Statutory compensation requested as follows:
 - a. Executor commission in amount of \$835.99.
 - b. Attorney fee in amount of \$835.99

RECOMMENDATION:

RFA. If approved, court to set hearing re filing receipts and final discharge for **5/26/11**.
(fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900682**

CASE NAME: KATHLEEN STONE

HEARING:

Petition for FOR FINAL DISTRIBUTION ON WAIVER OF ACCOUNTING FOR
ALLOWANCE OF ATTY'S FEES ETC

COUNSEL:

ZACHARY STONE
KATHLEEN STONE

(PET)...THE WALKER LAW FIRM
(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Report and
Petition for allowance of fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. All heirs waive accounting.
2. Petitioner has filed a creditor's claim and requests Court approval of the claim. Review of claim reveals that claim is actually for funeral expenses and costs of administration of estate. Appears petitioner is requesting reimbursement in amount of \$5,542.86. Receipts verifying amounts expended provided. JTD.
3. Petitioner requests statutory fee in amount of \$5,274.78, calculated. OK.
4. Attorney requests statutory fee in amount of \$5,274.78, calculated. OK.
5. Petitioner requests authority to withhold amount of \$2,000.00 for closing costs. JTD.

RECOMMENDATION:

RFA. If approved, court to set hearing re filing receipts and final discharge for **5/26/11**.
(fhl/gls)

CIVPRO San Bernardino Superior Court
San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 9:00 DEPT: S34P

CASE#: **SPR SS02504**

CASE NAME: IN THE ESTATE OF LOUIS KUKMAN

HEARING:
Accounting Review

	COUNSEL:
LOUIS KUKMAN	(DEC)...
FRANK HORZEN	(PET)...JOHN M RAGER
RICHARD HORZEN	(SA)...JOHN M RAGER
LAWRENCE DEAN II	(TEE)...PRO/PER

GENERAL INFORMATION:

Continued from 3/11/10, 4/15/10. At 4/15/10 hearing, Court finds it needs proof of giving notice of initial funding of trust per Pr.C. §17351(c).

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Order for final distribution entered 4/20/01.
2. Receipt filed 7/13/01 shows amount of \$63,470.15 distributed to Lawrence Dean II, Trustee for Louis Kukman Trust FBO Mark Kukman. It was previously noted that an accounting was due from the testamentary trustee. However, per Probate Code §17203, the court only retains jurisdiction of the testamentary trust if the will specifically provides for it. In this case, the will is silent so, therefore, no jurisdiction is retained. However, per Probate Code §17351(c), the testamentary trustee shall file with the court proof of giving notice of the initial funding of the trust. No proof of giving notice is filed. Need same.

RECOMMENDATION:

Need proof of notice of initial funding of the trust per Pr.C. §17351(c).
(fhl/gls/fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

DATE: 05/20/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000052**

CASE NAME: ANTHONY JOHN RAYMOND JR

HEARING:

Petition for Appointment of Conservator

COUNSEL:

KATHLEEN JOHNSON (CP)...PRO/PER
ANTHONY JOHN RAYMOND JR (CTP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for conservatorship of Person Only, by non-relative nominee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. No bond – person only.
2. Petitioner is nominated by the proposed conservatee and is described as a live-in care provider.
3. Petitioner alleges that the proposed conservatee does not lack capacity. Petitioner requests authority under Pr.C.§2351-2358 in the event that proposed conservatee becomes incapacitated, conservator may in good faith based on medical advise determine necessary medical treatment subject to limitations in 2356. No medical powers sought.
4. Citation returned served. However, the petition indicates proposed conservatee is able to attend. Need attendance of proposed conservatee.
5. Notice of No Report of Court Investigator is filed indicating proposed conservatee will attend the hearing.
6. Due diligence declaration filed as to mother of proposed conservatee indicating efforts to locate her were unsuccessful. JTD

RECOMMENDATION:

If approved, set hearing for Compliance Review for **12/23/10** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.

(kra/gls/fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000090**

CASE NAME: GLADYS G. JONES

VACATED

HEARING:
Petition for Appointment of TEMPORARY Conservator

	COUNSEL:
HELEN D GEORGE	(CPE)...PRO/PER
GLADYS G JONES	(CEP)...MITCHELL I ROTH

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000090**

CASE NAME: GLADYS G. JONES

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
HELEN D GEORGE	(CPE)...PRO/PER
GLADYS G JONES	(CEP)...MITCHELL I ROTH

GENERAL INFORMATION
Temporary orders granted 5/6/10

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by granddaughter

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be waived per Pr.C. §2323 (small estate) JTD
2. Petitioner requests medical and dementia powers. Medical Capacity Declaration is filed supporting requests, however, declaration does not include the dementia attachment. Need same.
3. Notice of hearing and proof of service is filed, however, declarant did not complete the date or place of mailing (item 4a and 4b) – tabbed. Need completed proof of service.
4. Court Investigator's report is filed.
5. Report of counsel (Attorney Roth) is filed and recommendation tabbed.
6. Need return of Citation.
7. Need to file proof of completion of Conservatorship Training program.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for filing of inventory and appraisal, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for **12/23/10**. Set hearing on accounting review for **7/28/11**. Accounting to be filed 30 days in advance.

(glS)

Superior Court of Calif, County of San Bernardino
Page: 16
CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900186**

CASE NAME: RYAN GEIB

HEARING: Conservatorship Compliance Review Hearing

COUNSEL:
DIRK GEIB (CPE)...LENITA A SKORETZ
RYAN GEIB (CEP)...

GENERAL INFORMATION:

On 10/15/09, Court granted conservator of person only.

On 3/1/10, Court granted conservator of estate \$225,000 bond.

THIS CASE IS SET FOR HEARING ON Compliance Review for 10/15/09 appointment of conservator of person.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Need Statement of Care Plan in accord with Pr.C.§2352.5.
2. Court Investigator report filed 3/15/10.
3. At 3/1/10 hearing on appointment of conservator of estate, Court noted that it still has not received copy of civil settlement or annuity order. Conservator receives \$2,942 per month in annuity payments under the settlement. Attorney Skoretz to provide copies to Court.
4. Need Order appointing conservator of estate.
5. Need to file bond.
6. Need amended Letters (for person and estate).
7. Need copy of civil settlement or annuity order.

RECOMMENDATION:

Need to clear notes.

Need to set future hearing for **10/4/10** for filing of the following:

Inventory & Appraisal, including proof of service of I & A, instructions for objection to I&A in accord with Pr.C.§ 2610.

(fhl/gls)

FUTURE HEARINGS

5/09/11 ACCOUNTING REVIEW

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS01000**

CASE NAME: IN THE MATTER OF BETTY BENJAMIN

HEARING:

ELEVENTH AND FINAL Account and Report of GINA GUDMUNDSON and
Petition for allowance of fees filed.

COUNSEL:

GINA GUDMUNDSON
BETTY BENJAMIN

(CPE)...HORSPOOL & PARKER
(CEP)...MELVIN L FRIEDLAND

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Eleventh and Final Account and Report and
Petition for allowance of fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Conservatee died 2/4/10.
2. Accounting period covers 5/28/08 – 2/4/10.
3. Assets on hand \$206,682.50 consisting of cash and real and personal property.
4. Petitioner waives compensation.
5. Attorney requests fees in amount of \$5,005 for 15.40 hours billed at \$325/hour.
Itemized. Appears there is an overpayment in the amount of \$100. Attorney
states that the \$100 overpayment is due to interest that accrued on fees
approved but not paid until two or three years later. Attorney waives any
additional interest due.

As there is no Court order authorizing interest, does Court wish to reduce
amount of fees during current period by \$100? JTD.

6. Petitioner requests authorization to distribute assets on hand to personal
representative of conservatee's estate.

RECOMMENDATION:

RFA, subject to Court's discretion re Note 5. If approved, need to set hearing for filing of
receipts and final discharge for **5/26/11**.

(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS06666**

CASE NAME: MTR OF SCOTT MICHAEL VIRACOLA

VACATED

HEARING:
Accounting Review

	COUNSEL:
MELODIE Z SCOTT	(CPE)...JACK B OSBORN
SCOTT MICHAEL VIRACOLA	(CEP)...NOREEN FONTAINE
GINA RILKE	(SC)...PRO/PER
LEE ANN HITCHMAN	(CE)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/10 TIME: 10:30 DEPT: S34P

CASE#: **SPR SS06544**

CASE NAME: ESTATE OF SOCORRO A LOPEZ

HEARING:

Hearing Re: FURTHER HEARING ON 2ND AND FINAL ACCOUNT

	COUNSEL:
EDWARD LOPEZ	(PET)...JAMES B CHURCH
SOCORRO A LOPEZ	(DEC)...
DEPARTMENT OF HEALTH SERVICES	(TP)...PRO/PER
RONALD W. ASK	(RONALD W ASK)...RONALD W
ENEDINA LOPEZ	(PRO/PER)...PRO/PER
MARIA LOPEZ-CARSON	(PRO/PER)...PRO/PER
BURDETTE M GARVIN	()...

GENERAL INFORMATION:

On **3/11/10** the court took matter under submission. Notes from the last hearing have been addressed, the court finds that the fees, commissions, creditors' claims and reserve requested exceed the funds on hand. Therefore, the court requires the administrator to explain how it intends to cover the deficiency or how the assets on hand will be apportioned. Clerk mailed notice. Nothing new filed.

Continued from 4/15/10 at request of Counsel.

THIS CASE IS SET FOR HEARING ON Second and Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges he was ordered to place all funds from the sale of the real property into a blocked account. Therefore, the two claims from DHS have not yet been paid totaling \$30,075.69. Petitioner further alleges he will pay said claims upon the authorization of withdrawal of funds.
 2. Petitioner requests authority to pay the Probate Referee's fee of \$233.25 from the blocked account.
 3. Petitioner requests authority to reimburse costs of \$5,092.50. Itemized.
- JTD

4. Petitioner requests statutory compensation of \$5,037.33. Ok.
5. Attorney requests statutory fees of \$5,037.33 and allocated between Attorney Ronald Ask and Attorney James Church. Attorney intends to submit a stipulated agreement as to the allocation of fees. Need same.
6. Attorney Church requests extraordinary fees of \$20,266.25 for services rendered in connection with the partition action and sale of the real property. Billed at \$250-\$275/hour for attorney time and \$35-\$100/hour for paralegal time. Itemized.
7. Petitioner requests authority to withhold \$2,000 as a reserve for closing costs. Ok.
8. Need to file copy of escrow closing statement(s) per local rule 20-910.
9. **Note:** An Order to Withdraw all Funds from Blocked account was granted 2/10/10. Question if petitioner can provide receipt(s) or cancelled check(s) for payment of DHS claims and the probate referee.

RECOMMENDATION:

Need to clear notes 5 and 8. If approved, set hearing on the filing of receipts and final discharge for **5/12/11**.

(gls/kra/fhl)